

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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NEW ENGLAND CENTRAL  
RAILROAD, INC.,

Plaintiff,

-v.-

Civil Action No. 04-30235-MAP

SPRINGFIELD TERMINAL  
RAILWAY COMPANY, et al.,

Defendants.

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**DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

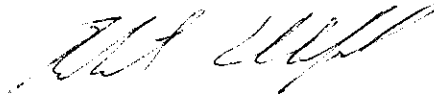
**ORAL ARGUMENT REQUESTED**

Upon the Statement of Reasons in Support of this Motion, and all papers and proceedings previously had herein, and pursuant to Rules 7(b), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and Rule 7.1 of the Rules of this Court, the defendants Springfield Terminal Railway Company and Boston and Maine Corporation hereby move this Court to dismiss the plaintiff's complaint for failure to state a cause of action. Pursuant to Rule 7.1(A)(2) of the Rules of this Court, counsel hereby certifies that he and counsel for the plaintiff have conferred and attempted in good faith to resolve or narrow the issues presented by this motion, but without success.

Pursuant to Rule 7.1(D) of the Rules of this Court, the defendants hereby request oral argument of this motion.

**January 21, 2005**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. B. Culliford", written in a cursive style.

Robert B. Culliford  
BBO# 638468  
Iron Horse Park  
North Billerica, MA 01862  
(978) 663-1029  
[rculliford@guilfordrail.com](mailto:rculliford@guilfordrail.com)

*Attorney for Defendants  
Boston and Maine Corporation  
Springfield Terminal Railway Company*